

How 4/14/54

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ARIZONA ATTORNEY GENERAL**

April 10, 1952
Opin . No. 52-103

Mr. Lon E. Walters, Jr.
Warden
Arizona State Prison
P.O. Box B
Florence, Arizona

Dear Mr. Walters:

We have your letter of February 5 in which you state as follows:

"We find under 47-123, Annotated Code of Arizona, a section we believe will allow us to raise cotton, and as before stated, barter and /or sell it for needed commodities."

The section you refer to reads:

"47-123. Cultivation of land -- Sale of Crops. -- The superintendent of the state prison shall have general charge of the cultivation of the farm, raising such crops as may be considered of the greatest market value to the state, giving preference to such crops as may be needed to supply the various state institutions. He may employ inmates of the state prison, and may purchase such machinery, tools, and supplies therefor as may be necessary, under the direction of the board. All crops raised shall be sold by the superintendent, under the direction of the board, giving preference to the various state institutions, and the proceeds thereof shall be paid into the general fund of the state." (Emphasis supplied)

Certainly the above statute authorizes you to raise cotton if it is considered to be of the greatest market value to the State. However, in view of the specific provision that all proceeds received from sales shall be paid into the general fund of the State, we are of the opinion that you would be unable to barter the cotton for needed wheat. The barter of the cotton would, we believe, be a sale within the provisions of this statute and would therefore

Mr. Lon E. Walters, Jr.
Florence, Arizona

April 10, 1952
Page two

have to be made in compliance with the statute. Since the proceeds must be paid into the general fund, a barter would be impossible and the cotton would have to be sold for cash.

Very truly yours,

FRED O. WILSON
Attorney General

CCS:GG

CHARLES C. STIDHAM
Assistant Attorney General